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Date: (Filing No. S- )

**EDUCATION AND CULTURAL AFFAIRS**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE  
SENATE  
126TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 577, L.D. 1530, Bill, “An Act To Establish a Process for the Implementation of Universal Voluntary Prekindergarten Education”

Amend the bill by striking out the title and substituting the following:

**'An Act To Establish a Process for the Implementation of Universal Voluntary Public Preschool Programs for Children 4 Years of Age'**

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**'Sec. 1. 20-A MRSA §405, sub-§3, ¶T,** as enacted by PL 1995, c. 395, Pt. J, §4, is amended to read:

T. Establish and maintain a 5-year plan for education that includes goals and policies for the education of children who are 4 years of age in public preschool programs and children in kindergarten and grades one to 12 and that promotes services for public preschool children. The plan must incorporate and build upon the work of the Task Force on Learning Results, established in Public Law 1993, chapter 290 and the federal GOALS 2000: Educate America Act;

**Sec. 2. 20-A MRSA §1001, sub-§8,** as amended by PL 1983, c. 859, Pt. K, §§3 and 7, is further amended to read:

**8. Operate public preschool programs, kindergarten and grades one to 12.** They shall either operate programs in kindergarten and grades ~~4~~ one to 12 or otherwise provide for students to participate in those grades as authorized elsewhere in this Title. To the extent the State provides adequate funding, they may operate public preschool programs or may provide for students to participate in such programs in accordance with the requirements of this Title. A school administrative unit is not required to expend local revenues to operate public preschool programs or to provide for students to participate in such programs, but any public preschool program a school board operates or provides for students to participate in must comply with the requirements of this Title. They shall

**COMMITTEE AMENDMENT**

1 determine which students shall attend each school, classify them and transfer them from  
2 school to school where more than one school is maintained at the same time.

3 **Sec. 3. 20-A MRSA c. 203, sub-c. 3** is enacted to read:

4 **SUBCHAPTER 3**

5 **PUBLIC PRESCHOOL PROGRAMS FOR CHILDREN 4 YEARS OF AGE**

6 **§4271. State funding for public preschool programs**

7 **1. State funding.** To the extent the State provides adequate funding, school  
8 administrative units may operate public preschool programs or may provide for students  
9 to participate in such programs in accordance with the requirements of this Title. A  
10 school administrative unit is not required to expend local revenues to operate public  
11 preschool programs or to provide for students to participate in such programs, but any  
12 public preschool program must comply with the requirements of this Title.

13 **2. Allowable costs.** Beginning with the 2015-2016 school year and for each  
14 subsequent school year, the State shall provide grant funding for the allowable costs to  
15 operate public preschool programs for children 4 years of age under this subchapter. The  
16 grant funds provided for the allowable costs of operating public preschool programs must  
17 be added to the adjustments to the state share of the total allocation received by qualified  
18 school administrative units pursuant to section 15689. The amount of the adjustment for  
19 operating public preschool programs that is added to the state share of the total allocation  
20 under this subchapter may not be included in the calculation of the local share amount of  
21 the qualified school administrative unit.

22 **3. Targeted funds for public preschool program students.** Beginning with the  
23 2015-2016 school year and for each subsequent school year, in addition to the grant funds  
24 awarded under this section, a school administrative unit that operates a public preschool  
25 program must receive an additional weight for the count of public preschool program  
26 students under section 15675, subsection 3 and must receive targeted funds for public  
27 preschool to grade 2 students pursuant to section 15681, subsection 4.

28 **4. Grant funds.** Beginning with the 2015-2016 school year and for each subsequent  
29 school year, the commissioner shall provide grant funding to qualified school  
30 administrative units to operate public preschool programs for children 4 years of age.  
31 Grants provided for allowable costs for approved public preschool programs may be  
32 provided from state, federal or private funds appropriated, allocated or authorized by the  
33 Legislature for that purpose, and may include revenues distributed from general purpose  
34 aid for local schools that the department receives from casino slot machines or casino  
35 table games pursuant to section 15671, subsection 5-A.

36 **5. Qualifications; rules.** To qualify for a grant under this section, a school  
37 administrative unit must submit an implementation plan to the department for the  
38 operation of a new or expanded public preschool program that meets standards and best  
39 practices for public preschool programs and demonstrates coordination with other early  
40 childhood programs in the community to maximize resources and provide comprehensive

1 services to meet the needs of children 4 years of age in accordance with this subchapter  
2 and rules adopted by the commissioner.

3 A. In awarding grants under this section for the 2015-2016, 2016-2017 and 2017-  
4 2018 school years, the commissioner shall give priority to a qualified school  
5 administrative unit that has a greater percentage of economically disadvantaged  
6 students as determined pursuant to section 15675, subsection 2 than other qualified  
7 school administrative units under this subsection and in accordance with the  
8 following provisions:

9 (1) The first priority must be to award grant funds to a qualified school  
10 administrative unit that does not operate a public preschool program and that  
11 submits a plan for the development and operation of a new public preschool  
12 program; and

13 (2) The 2nd priority must be to award grant funds to a qualified school  
14 administrative unit that operates a public preschool program and that submits a  
15 plan for the development and operation of an expanded public preschool  
16 program.

17 B. Beginning with the 2018-2019 school year, the commissioner shall award grant  
18 funds under this section to a qualified school administrative unit that operates a  
19 public preschool program and that submits a plan for the development and operation  
20 of an expanded public preschool program.

21 The commissioner shall adopt rules that establish criteria for the approval of  
22 implementation plans and for the awarding of funds for the allowable costs of operating  
23 public preschool programs. Rules adopted pursuant to this subsection are routine  
24 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

25 **6. Application for federal public preschool funds.** The department may apply for  
26 assistance from the Federal Government for the development of public preschool  
27 programs for children 4 years of age on behalf of school administrative units in the State.  
28 The department shall administer any federal funds received for the benefit of public  
29 preschool programs in the State. As the designated state agency authorized to administer  
30 federal funds, the department shall develop a state plan and application for funding public  
31 preschool programs and shall disburse federal funds as authorized and required by  
32 applicable federal law. Beginning in fiscal year 2015-16, the department shall provide  
33 any federal funds received to qualified school administrative units as part of the grant  
34 funding provided for the development and operation of public preschool programs under  
35 this section.

36 **Sec. 4. 20-A MRSA §4501,** as amended by PL 2007, c. 141, §6, is further  
37 amended to read:

38 **§4501. Duty of school units**

39 In accordance with the policy expressed in section 2, every school administrative unit  
40 shall raise annually sufficient funds to maintain or support elementary and secondary  
41 schools to provide free education for its resident students at all grade levels. These  
42 schools shall meet the requirements of basic school approval. ~~School units that choose to~~  
43 To the extent the State provides adequate funding, a school administrative unit may offer

1 a an opportunity for every child 4 years of age residing in the school administrative unit  
2 to attend a public preschool program ~~must meet~~, or a program affiliated with the school  
3 administrative unit, meeting the requirements of basic school approval. It is the goal of  
4 the State to provide adequate funding so that public preschool programs for children 4  
5 years of age may be offered by all school administrative units by the 2018-2019 school  
6 year and to ensure that adequate funding is provided for the operation of public preschool  
7 programs for children 4 years of age during each subsequent school year. A school  
8 administrative unit is not required to expend local revenues to operate public preschool  
9 programs or to provide for students to participate in such programs, but every public  
10 preschool program must comply with the requirements of this Title.

11 **1. Assessment.** The commissioner shall by rule establish a uniform common  
12 statewide assessment program for kindergarten, which must be used by all school  
13 administrative units in addition to other quality assessments school administrative units  
14 determine to be necessary beginning with the 2016-2017 school year. The assessments  
15 must be designed to measure student comprehension of academic content and mastery of  
16 related skills and cover such areas as physical health and motor development; social and  
17 emotional development; learning styles; language and literacy; and general cognition.  
18 Rules adopted pursuant to this section are routine technical rules as defined in Title 5,  
19 chapter 375, subchapter 2-A.

20 **2. Grant funds.** During the 2015-2016 to 2017-2018 transition period to develop  
21 public preschool programs for children 4 years of age by the 2018-2019 school year in  
22 accordance with this section, the department, if funds are available, shall award grants  
23 pursuant to section 4271 to each qualified school administrative unit equal to the school  
24 administrative unit's allowable costs to implement the approved plan to develop and  
25 operate a new or expanded public preschool program. Grant funds must be used to fund  
26 the allowable costs of the implementation plan not otherwise subsidized by the State, and,  
27 during each subsequent school year following the 2018-2019 school year, grant funds  
28 must be used to fund the allowable costs of operating public preschool programs not  
29 otherwise subsidized by the State.

30 **Sec. 5. 20-A MRSA §4502, sub-§9,** as enacted by PL 2007, c. 141, §11, is  
31 amended to read:

32 **9. Public preschool programs for children 4 years of age.** Any To the extent the  
33 State provides adequate funding for a public preschool program for children 4 years of  
34 age, a school administrative unit that ~~wishes to~~ does not have a public preschool program  
35 for children 4 years of age may develop an ~~early childhood program~~ a public preschool  
36 program implementation plan for children 4 years of age ~~must submit a proposal~~ for  
37 submission to and approval ~~to~~ by the department. Evaluation and approval of the  
38 proposal must include consideration of at least the following factors:

39 A. Demonstrated coordination with other early childhood programs in the  
40 community to maximize resources;

41 B. Consideration of the extended child care needs of working parents; and

42 C. Provision of public notice regarding the proposal to the community being served,  
43 including the extent to which public notice has been disseminated broadly to other  
44 early childhood programs in the community.

1 Beginning with the 2015-2016 school year, the commissioner shall provide grants as set  
2 forth in section 4271 to school administrative units to implement or expand public  
3 preschool programs for children 4 years of age as permitted under this subsection.

4 **Sec. 6. 20-A MRSA §15671, sub-§5-A**, as enacted by PL 2013, c. 368, Pt. C, §5,  
5 is amended to read:

6 **5-A. Funds from casino slot machines or table games.** Revenues received by the  
7 department from casino slot machines or casino table games pursuant to Title 8, section  
8 1036, subsection 2-A, paragraph A or Title 8, section 1036, subsection 2-B, paragraph A  
9 must be distributed until the end of fiscal year 2014-15 as general purpose aid for local  
10 schools, and each school administrative unit shall make its own determination as to how  
11 to allocate these resources. Beginning in fiscal year 2015-16, any additional revenues that  
12 exceed the amount of revenues allocated during the previous fiscal year may be  
13 distributed by the department to fund approved public preschool programs for children 4  
14 years of age in accordance with chapter 203, subchapter 3. Neither the Governor nor the  
15 Legislature may divert the revenues payable to the department to any other fund or for  
16 any other use. Any proposal to enact or amend a law to allow distribution of the revenues  
17 paid to the department from casino slot machines or casino table games for another  
18 purpose must be submitted to the Legislative Council and to the joint standing committee  
19 of the Legislature having jurisdiction over education matters at least 30 days prior to any  
20 vote or public hearing on the proposal.

21 **Sec. 7. 20-A MRSA §15689, sub-§14** is enacted to read:

22 **14. Adjustment for new or expanded public preschool programs for children 4**  
23 **years of age.** Beginning in fiscal year 2015-16 and in each subsequent year, the  
24 commissioner may increase the state share of the total allocation to a qualifying school  
25 administrative unit to fund the allowable costs to operate a public preschool program for  
26 children 4 years of age pursuant to chapter 203, subchapter 3 in accordance with section  
27 4502, subsection 9. The amount of the adjustment for operating public preschool  
28 programs for children 4 years of age that is added to the state share of the total allocation  
29 under this subsection may not be included in the calculation of the local share amount of  
30 the qualified school administrative unit. A school administrative unit that receives an  
31 adjustment to the state share of the total allocation under this subsection may not use  
32 those funds for purposes other than for the operation of a public preschool program for  
33 children 4 years of age.

34 **Sec. 8. 20-A MRSA §15689-F, sub-§3**, as enacted by PL 2013, c. 368, Pt. C,  
35 §20, is amended to read:

36 **3. Casino revenues.** If the annual funding for public education ~~from~~ for children in  
37 public preschool programs and for children in kindergarten and grades one to grade 12 is  
38 supported by casino revenues credited to the department pursuant to Title 8, section 1036,  
39 the department shall journal expenditures from the General Purpose Aid for Local  
40 Schools, General Fund account to the K-12 Essential Programs and Services, Other  
41 Special Revenue Funds account to meet financial obligations and for purposes of cash  
42 flow.

43 **Sec. 9. Implementation of universal availability of public preschool**  
44 **programs for children 4 years of age; rules.** Prior to beginning the process of

1 adopting rules pursuant to the Maine Revised Statutes, Title 20-A, section 4271,  
2 subsection 5 related to the Department of Education's recommended standards and best  
3 practices for public preschool programs for children 4 years of age, the Commissioner of  
4 Education shall invite stakeholders to provide their feedback and perspectives on the  
5 department's recommendations for school administrative units to phase in their  
6 implementation plans for the universal availability of public preschool programs for  
7 children 4 years of age by the 2018-2019 school year and the department's current  
8 partnership with other states and research partners in a consortium to establish a state-of-  
9 the-art system for assessing young children's learning from kindergarten entry to grade 3.

10 **1. Members.** The commissioner shall invite the involvement of at least the  
11 following persons to participate in the department's planning and research initiatives as  
12 members of the stakeholder group:

- 13 A. A senior policy analyst with the Maine Children's Alliance;
- 14 B. A youth development coordinator with the University of Southern Maine,  
15 Edmund S. Muskie School of Public Service, Maine Roads to Quality;
- 16 C. A representative of a private early childhood education program;
- 17 D. A private provider of an early childhood program;
- 18 E. A state-level Head Start collaboration coordinator;
- 19 F. A director of a Head Start program;
- 20 G. An early literacy provider from the staff of a Head Start regional program;
- 21 H. A case manager from a regional site of the Child Development Services System;
- 22 I. Two public prekindergarten teachers;
- 23 J. A family literacy provider;
- 24 K. A superintendent of schools;
- 25 L. An elementary school principal;
- 26 M. The executive director of the Maine Administrators of Services for Children with  
27 Disabilities;
- 28 N. The early childhood consultant in the Department of Education;
- 29 O. A community collaboration coach for public preschool programs in the  
30 Department of Education;
- 31 P. The state director of the Child Development Services System in the Department of  
32 Education;
- 33 Q. The literacy specialist in the Department of Education;
- 34 R. The federal liaison in the Department of Education;
- 35 S. The child care consultant in the Department of Health and Human Services; and
- 36 T. The state grants compliance coordinator in the Department of Health and Human  
37 Services.

38 **2. Report.** The commissioner shall submit a report to the Joint Standing Committee  
39 on Education and Cultural Affairs by December 3, 2014 containing a summary of the

1 work of the consortium partners and stakeholders, as well as an outline of the rules  
 2 proposed by the department so that the universal availability of public preschool  
 3 programs for children 4 years of age may be offered by the 2018-2019 school year.

4 **Sec. 10. Appropriations and allocations.** The following appropriations and  
 5 allocations are made.

6 **EDUCATION, DEPARTMENT OF**

7 **PK-20, Adult Education and Federal Programs Team Z081**

8 Initiative: Provides funds for 80% of one Early Childhood Coordinator position and  
 9 related All Other costs beginning in fiscal year 2014-15.

10	<b>GENERAL FUND</b>	<b>2013-14</b>	<b>2014-15</b>
11	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
12	Personal Services	\$0	\$64,877
13	All Other	\$0	\$5,000
14			
15	GENERAL FUND TOTAL	\$0	\$69,877
16			

17 **SUMMARY**

18 This amendment, which is the minority report of the Joint Standing Committee on  
 19 Education and Cultural Affairs, strikes and replaces the bill to provide that the  
 20 implementation of universal voluntary public preschool programs by the 2018-2019  
 21 school year is subject to the extent that the State provides school administrative units with  
 22 adequate funding to operate public preschool programs or provide for students to  
 23 participate in such programs. The amendment makes the following changes to the bill.

24 1. It strikes the term "prekindergarten" and inserts in its place the term "public  
 25 preschool program," which currently is defined in the Maine Revised Statutes, Title 20-A,  
 26 section 1, subsection 23-A as a program offered by a public school that provides  
 27 instruction to children who are 4 years of age.

28 2. It strikes the provisions in the bill that propose to change the compulsory age for  
 29 school attendance from 7 years of age to 5 years of age.

30 3. It amends the provision in Title 20-A that requires school boards to operate or  
 31 otherwise provide for the availability of kindergarten programs for students in order to:

32 A. Provide that school boards may also operate or otherwise provide for the  
 33 availability of public preschool programs for children 4 years of age to the extent that  
 34 the State provides adequate funding to operate public preschool programs; and

35 B. Clarify that a school administrative unit is not required to expend local revenues to  
 36 operate public preschool programs or to provide for students to participate in such  
 37 programs.

38 4. It strikes the provision in the bill that proposes to appropriate money from the  
 39 General Fund for awarding grants to school administrative units beginning in the 2014-  
 40 2015 school year to implement and expand prekindergarten programs. It authorizes the

1 Commissioner of Education to provide grant funding, beginning in the 2015-2016 school  
2 year and for each subsequent school year, to qualified school administrative units to  
3 implement plans to develop and operate public preschool programs from state, federal or  
4 private funds appropriated, allocated or authorized by the Legislature for that purpose,  
5 which may include revenues distributed from general purpose aid for local schools that  
6 the Department of Education receives from casino slot machines or casino table games  
7 pursuant to Title 20-A, section 15671, subsection 5-A.

8 5. It establishes the goal that the State provide adequate funding so that public  
9 preschool programs for children 4 years of age may be offered by all school  
10 administrative units by the 2018-2019 school year and promote the provision of adequate  
11 funding for the operation of public preschool programs for children 4 years of age by all  
12 school administrative units during each subsequent school year.

13 6. It clarifies that, beginning with the 2015-2016 school year and for each subsequent  
14 school year, in addition to the grant funds awarded under this legislation, a school  
15 administrative unit that operates a public preschool program must receive an additional  
16 weight for the count of public preschool program students under Title 20-A, section  
17 15675, subsection 3 and must receive targeted funds for public preschool to grade 2  
18 students pursuant to Title 20-A, section 15681, subsection 4.

19 7. It provides that, beginning in fiscal year 2015-16, the grant funds provided for the  
20 costs of operating public preschool programs for children 4 years of age must be added to  
21 the adjustments to the state share of the total allocation received by qualified school  
22 administrative units pursuant to Title 20-A, section 15689 and provides that the amount  
23 of the adjustment for operating public preschool programs for children 4 years of age that  
24 is added to the state share of the total allocation under this legislation may not be included  
25 in the calculation of the local share amount of the qualified school administrative unit.

26 8. It amends the provision in the bill that directs the Commissioner of Education to  
27 establish rules to implement a uniform common statewide screening and assessment  
28 program for kindergarten by clarifying that the rule may establish only a uniform  
29 common statewide assessment program for kindergarten and by specifying that school  
30 administrative units may also implement other quality assessment programs they  
31 determine to be necessary for kindergarten.

32 9. It changes the proposed amount of the General Fund appropriation for the Early  
33 Childhood Coordinator position.

34 10. It changes the requirement in the bill that the Commissioner of Education  
35 establish a stakeholder group to require that, prior to beginning the process of adopting  
36 the Department of Education's rules related to the quality standards of program practice  
37 for public preschool programs for children 4 years of age, the Commissioner of Education  
38 invite stakeholders to provide their feedback and perspectives on the department's plan  
39 for the phase-in of the universal availability of public preschool programs for children 4  
40 years of age beginning with the 2018-2019 school year and the recommended standards  
41 of program practice for public preschool programs for children 4 years of age. It also  
42 amends the provision that requires the commissioner to submit a report to the Legislature  
43 by clarifying that the report must contain a summary of the work of the stakeholders, as  
44 well as an outline of the rules proposed by the department to implement the goal of  
45 providing universal availability of public preschool programs for children 4 years of age

1 by the 2018-2019 school year, and providing that the report must be submitted to the  
2 Joint Standing Committee on Education and Cultural Affairs by December 3, 2014.

3 11. It adds an appropriations and allocations section.

4 **FISCAL NOTE REQUIRED**

5 **(See attached)**